

FORTY-FOURTH DAY

(Tuesday, April 7, 1959)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, our Father, in a multitude of counsellors there is wisdom, and in unity there is strength. Out of these council chambers may there come wisdom for our problems; and as our days are, so may our strength be, through Jesus Christ our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Krueger submitted the following report:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 681, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 190, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 374, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 163, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 101, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State

Affairs, to whom was referred S. B. No. 348, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 323, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 287, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 389, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 121, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 382, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Senator Kazen submitted the following reports:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation to whom was referred S. B. No. 330, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 421, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 396, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KAZEN, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to whom was referred H. B. No. 365, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. C. R. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Gonzalez submitted the following report:

Austin, Texas,
April 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred Senate Bill No. 381, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GONZALEZ, Vice-Chairman.

Senate Resolution 297

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the seventh and eighth grades of Gay Hill School, Howard County, Texas, accompanied by their sponsors, Mr. and Mrs. George Archer and Mr. and Mrs. Darrell Robinson; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ratliff by unanimous consent presented the students and sponsors to the Members of the Senate.

House Bill 681 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 681 was ordered not printed.

(Senator Martin in the Chair.)

Senate Bill 423 on First Reading

Senator Hudson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hudson:

S. B. No. 423, A bill to be entitled "An Act establishing a system of checks and balances in selection of officials charged with the investment of, and establishing an efficient investment program based upon uniform standards and investment policies for the Employees Retirement Funds of the Employees Retirement System of Texas, the Retirement Funds of the Teacher Retirement System of Texas, and the State Permanent School Fund, hereinafter called the "Funds"; defining terms; creating the Texas Trust Fund In-

vestment Board, hereinafter called the "Board"; making provisions as to the membership, officers, compensation and operation of said Board; providing for certain Lists pertaining to corporation stocks and bonds and the purchase, sale, management, investment and re-investment of the Funds and other funds in certain eligible securities by the Board and by its Executive Secretary; providing for delegation of powers of Board to Executive Secretary as Board may deem proper, Board to remain responsible for administration of Act; prohibiting certain persons from activities creating a conflict of interest with their duties in connection with the Board; providing for personal financial statements by certain persons; prohibiting any member, Executive Secretary, or employee of the Board from in any way deriving financial benefit or other advantage from securities transactions by the Board or the Funds; providing penalties for violations of this Act and fixing venue; providing for meetings of the Board, its officers, employees, a seal, its duties, conduct of its affairs, and for adoption and approval of rules and regulations incident thereto; providing for custodians of certain moneys and securities; stating a purpose of this Act; making an appropriation and providing for a budget and pay of employees and others; providing an option and the mode of its exercise for purchase of securities for the Permanent School Fund; providing that this Act shall be cumulative of all other laws on the subject but shall prevail in event of conflict; expressly repealing Article 2673, Revised Civil Statutes of 1925 as last amended; providing a date on which the Act is to become operative; making exception as to the Permanent School Fund pertaining to purchases of certain securities; providing that certain securities may be purchased for the Permanent School Fund in the event of certain amendment to the Constitution of Texas and providing that this portion of the Act shall not be invalid because anticipatory; providing that the Act shall be liberally construed to effect its purposes; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Bill 424 on First Reading

Senator Bradshaw moved that Sen-

ate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Bradshaw and Moffett:

S. B. No. 424, A bill to be entitled "An Act to amend Subsection 2 of Section 1, Chapter 451, Acts of the Regular Session, 51st Legislature of Texas, 1949, as amended by Chapter 206 of the Acts of the Regular Session of the Fifty-second Legislature of Texas, 1951, so as to include the President of Texas Woman's University as a member of the Cotton Research Committee; and declaring an emergency."

To the Committee on Education.

Senate Bill 425 on First Reading

Senator Owen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Crump
Baker	Dies
Bradshaw	Fly
Colson	Fuller

Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Moore	Wood
Owen	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Owen:

S. B. No. 425, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office of the State of Texas to sell Public Free School Land situated in El Paso County to the County of El Paso, acting by and through the Commissioner's Court of said County; reserving all minerals together with the right to explore for same to the State; prescribing the conditions upon which such sale is to be made; providing for the issuance of a patent; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 426 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Parkhouse:

S. B. No. 426, A bill to be entitled "An Act amending Section 227 of the Election Code of the State of Texas to provide for non-partisan or independent candidates for electors for the President and Vice President of the United States; and declaring an emergency."

To the Committee on Privileges and Elections.

(President in the Chair.)

Senate Bill 427 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 427, A bill to be entitled "An Act to provide for payment of aid and compensation to any person who has been fined or imprisoned for an offense which he did not commit; providing for appointment of a Claims Commission; providing a maximum limit for aid and compensation; providing for notice and hearing, payment of expenses, representation, maximum attorney's fees and pres-

entation of claim; declaring Legislative intent; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 428 on First Reading

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. B. No. 428, A bill to be entitled "An Act authorizing the State Board of Health to sell a certain tract of land owned by the State of Texas located in the County of Rusk; stating the purposes for which proceeds of the sale may be expended; and declaring an emergency."

To the Committee on State Affairs.

Senate Concurrent Resolution 46 on First Reading

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Baker
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Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 46, Granting Mrs. Evelyn Campbell Woodson permission to sue the State of Texas.

Whereas, On the 29th day of January, 1958, Clark Woodson, Sr., was driving his automobile which collided with a truck belonging to the Texas Department of Corrections and which was operated by Floyd Russell of Richmond, Texas, an employee of the Texas Department of Corrections; and

Whereas, It is alleged that the truck belonging to the Texas Department of Corrections was driven suddenly, and without due caution, from Farm Road 655 onto Highway 288 at a point located approximately seven miles north of Angleton, Brazoria County, Texas and as a result of such negligent acts caused the above mentioned accident which demolished the car owned and driver by Clark Woodson, Sr., and which resulted in the death of Clark Woodson, Sr.; and

Whereas, Mrs. Evelyn Campbell Woodson, mother and guardian of Clark Woodson, Jr., a minor, is desirous of determining the liability, if any, of the State of Texas and the Texas Department of Corrections for the death of her husband, Clark Woodson, Sr., and for the damage to the automobile belonging to Clark Woodson, Sr., and for any other resulting damages caused by reason of the alleged negligence of the driver of the truck belonging to the Texas Department of Corrections, and for that purpose the said Mrs. Evelyn Campbell Woodson desires to file suit in the proper court having jurisdiction of such claim, to have such liability, if any, and the amount of damages, if

any, judicially determined; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said Mrs. Evelyn Campbell Woodson, be and she is hereby authorized to file suit against the State of Texas and the Texas Department of Corrections in her individual capacity and as guardian of Clark Woodson, Jr., her minor son, in any court of competent jurisdiction within the State of Texas, within the next two years from the date this resolution takes effect, to determine the liability, if any, and the damages, if any, which she may be entitled to recover; and in the event said suit is filed, service of citation and other necessary process shall be upon the Chairman of the Texas Board of Corrections and the Attorney General of the State of Texas, and said suit shall be tried as provided by law for all other civil cases, reserving to either party the right of appeal; and be it further

Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas or on the part of the Texas Department of Corrections, it being understood that the sole purpose of this resolution is to grant permission to Mrs. Evelyn Campbell Woodson, to bring suit against the State of Texas and the Texas Department of Corrections in her individual capacity and as guardian of Clark Woodson, Jr., her minor son, and it is specifically provided that the facts upon which she seeks to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 429 on First Reading

Senator Fly moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hardeman

Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moffett	Weinert
Moore	Willis
Owen	Wood
Parkhouse	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Fly:

S. B. No. 429, A bill to be entitled "An Act amending Sec. 2 of Chapter 388 of the Acts of the 55th Legislature, Regular Session, 1957 authorizing trust companies created or authorized thereunder to lend and accumulate money; amending Sec. 3 of Chapter 388, Acts of the 55th Legislature, 1957, to provide that the Articles of 1524-a-1 shall apply to such corporations; amending Sec. 7, Chapter 388, Acts of the 55th Legislature, Regular Session, 1957 by deleting the provision that prevents such corporations from having more than one purpose; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 430 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Owen:

S. B. No. 430, A bill to be entitled "An Act to provide that the Judge of the County Court at Law of Ector County shall be the County Juvenile Judge; providing that the County Court at Law of Ector County be the Juvenile Court of Ector County; providing for an additional salary to be paid said Judge for services as Juvenile Judge; repealing all laws in conflict; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 431 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Baker:

S. B. No. 431, A bill to be entitled "An Act authorizing boards of trustees of independent school districts located in counties having a population of Eight Hundred Thousand (800,000) or more according to the last preceding Federal census and having a scholastic enumeration of One Hundred Thousand (100,000) or more according to the last preceding scholastic enumeration to make expenditures from local school funds of the district for the purpose of televising and/or broadcasting their meetings; providing that this Act shall be cumulative; and declaring an emergency."

To the Committee on Education.

Senate Resolution 298

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mr. Martin Halsell of Bonham, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate, and that he be extended the privilege of the floor for the day.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented Mr. Halsell to the Members of the Senate.

Senate Resolution 299

Senator Crump offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the American and Texas History Classes of Mason High School, accompanied by their teacher, Mr. A. C. Banner and the high school principal, Mr. Ellis Wood; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe

and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to this class in recognition of their visit.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented the students, teacher and principal to the Members of the Senate.

Senate Resolution 300

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 5th Grade Class of the Allison Elementary School in Austin, Travis County, Texas, accompanied by their teachers, Mrs. Norma Tampki and Mrs. Joan Curry; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the working of their State government; now, therefore, be it

Resolved, That we official recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senate Resolution 301

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Class of the Kennard High School, Kennard, Houston County, Texas, accompanied by their Vocational Agriculture Teacher, Mr. J. D. Ball; and

Whereas, These students and guests are seeking to broaden their education by a visit to the State Capitol, Governor's Mansion and other places of interest in the Capital City; and

Whereas, We are proud that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students and Mr. Ball to the Members of the Senate.

Senate Resolution 302

Senator Bradshaw offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Junior and Senior Classes of Gorman High School of Eastland County, accompanied by Mr. G. E. Bennett, Mr. T. L. Richardson, High School Principal and Mrs. M. F. Allen, their instructor; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senate Resolution 303

Senator Herring offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Wysonda Veale, the charming granddaughter of Mr. and Mrs. Hugh S. Veale of Austin; and

Whereas, We desire to welcome this young visitor to the Capitol Building and the Senate Chamber; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and

that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the guest to the Members of the Senate.

Remarks of Senator Fuller ordered Printed in Journal

On motion of Senator Moore and by unanimous consent the following remarks of Senator Fuller made in a personal privilege speech today were ordered printed in the Journal of the Senate:

My friends, I have been in the Senate for nine years—and in politics for sixteen years, and this is the first time I ever felt the need to make a personal privilege speech. I hope I will not bore you, and can have your attention, because this is a matter of vital importance to me. I consider it a crisis in my political career, and know you will bear with me, as I would with you in the same circumstances.

I want it understood that I am not making this speech intending it to be personal against any person, and I wish that I could say the same about the remarks printed about me the past few weeks.

I have always been told it is useless to try to fight a newspaper, but I refuse to believe there is not some way that a citizen of this state can have his say to answer attacks of a newspaper. Maybe it will be useless, but I hope the Senate press will see that the Beaumont newspapers have the opportunity to print the truth.

Easter morning I had the most heartbreaking experience of my entire political career. I awoke to a beautiful day with nothing in my mind except to go to church with my wife—something I guess, like a lot of you, I don't do as often as I should—and to spend the day with my grandchildren, the kind of Easter that was being observed by families all over this country of ours. Before my wife awoke, I reached for the Beaumont Enterprise, glanced at the headlines, and opened it to the editorial page. To my shocked, unbelieving eyes, this caption leaped out: "Fuller Bill Would Torpedo Ports of Beaumont and Orange." The editorial went on to set out that as Senator for the two counties, it was my duty

to serve the best interests of all communities in those counties, and that it was amazing to see me seek passage of legislation that "heavily discriminated" against the ports of Beaumont and Orange, and in so doing discriminated against every citizen in those two cities. It called the legislation "perniciously evil" and asks if: "Mr. Fuller is more interested in getting business for the ports of Galveston, Houston and Corpus Christi than in getting and keeping business for the people who send him to the State Senate?"

It goes on in a very vicious manner to point out that Fuller had represented the Sabine pilots in a law suit, and my fellow Senators, it attacks the integrity of every lawyer in the Senate and ends on this note: "How much longer is the average citizen of Texas going to put up with this smelly business?"

Well, Easter was ruined for me, of course, and for my family and friends, but I thought, well, that is about the worst thing they can do to me. I was wrong. The very next day the companion afternoon paper, the Beaumont Journal, came out with this editorial headline: "Fuller's Proposed Measure Would Hit Two Ports Below Waterline." I was in Austin, of course, that day, but I would like to tell you the ironical thing that happened about that editorial. At the time that paper hit the streets, the managing editor of the Enterprise was on the telephone for about an hour, I am told, talking to my son and to my associate in Port Arthur at our law office, asking for details of Fuller's proposed amendments to the bill in question, which had been offered by me at a meeting, because, he said, it seemed the Chamber of Commerce had misplaced the copies given them by me and he stated he wanted to be fair and print everything in his paper that would have any light on this controversy. I sincerely hope that he was spending the Beaumont Enterprise money, and did not call me collect!

This editorial repeated the charge of discrimination, bringing out the fact it was prepared by Senator Fuller of Port Arthur, stating if the bill went through it would practically eliminate the two ports from competing with other ports in Texas, including Port Arthur, which it printed in Capital letters, the editorial stated further it would harm the whole economy of the two cities given the "Fuller brush-off" treatment, and even

used the facetious statements that one wondered why Fuller did not include some provisions for discriminating against other modes of transportation into the two cities. The editorial takes another opportunity to ask if Fuller is representing the public or the Sabine Pilots Association, and this editorial, supposedly written by a grown man, ends with these words: "The date of the hearing should be the date of its funeral, after which the bill should be carried by hearse to the nearest graveyard and buried so deep it will never be heard from again. Suggested epitaph: Here Lies Defeated Discrimination." I wonder why this learned editorial writer did not add: "Rest in Peace" to his sacrilegious phrases.

Well, that was not the last editorial. I had one this past Friday, complete with cartoon in the Journal, one in this Sunday's Enterprise, and one, thank the Lord, in the Sunday Port Arthur News in defense of common sense, fair play, and of Jep S. Fuller. I wonder how many of you fellows have had five editorials in one week?

Here are some of the headlines of the news carried by the Beaumont papers: "Port Sabotage by Sen. Fuller Charged Here," "Port Sabotage Denied by Fuller," "Fuller Says Ports Bill Misunderstood, But They Stand Pat." After I met with what, at my request, I thought was to be the Beaumont Chamber of Commerce, and what turned out being every port official, I think, from the two cities, and, apparently, every newspaper and TV reporter in Beaumont, these were the banner headlines—clear across the top of the front page of the Journal: "Pilots Fee Bill Opposition Mounts. Fuller Area Group Talk: Split Grows." "Coale Blasts Compromise on Pilot Rates," and other too numerous to mention, as you can see by the ream of clippings I hold in my hands. My friends, no movie starlet ever had the press coverage old Fuller has had the past few weeks.

In all fairness, I must say that Orange, the other city Beaumont claims will be sabotaged by this legislation, has shown a great deal of restraint in that type of journalism, and, in fact, gave front page coverage to a meeting held in an attempt to bring some sort of answer to this controversy. I understand the port of Orange, and maybe others in Orange, may oppose this bill. That is their

privilege. But at least the Orange paper has not taken this occasion to crucify the author of the bill.

Even when publicity has seemed to be unfair, I have upheld the freedom of the press. I still do. But freedom does not mean license to destroy. It does not mean complete disregard for fairness and justice. Every freedom carries with it a responsibility. When that responsibility is ignored and disregarded, that freedom is endangered. Doctors police their own profession. Lawyers have their grievance committee which deal within our own profession with members who violate their ethics and obligations. My esteemed members of the press, do you not think it is time you took a look at your own profession, to curb offenses against common, ordinary fair dealing?

As an ex-F.B.I. agent, throwing the word "sabotage" at me was like waving a red flag. To me the word "saboteur" is almost as ugly a word as the word "traitor." I am waiting for Fuller to be called a traitor after this speech.

I have always had a high regard for the ability and intelligence of the editorial staffs of my area papers, even though I have not always agreed with them, I have thought them exceedingly capable, but some of these stories and editorials look as if they had been written by copy boys just out of high school. I would like to say this: I do not know how the Beaumont papers operate, and I cannot know who is behind this attack on me in these papers. Although I cannot prove it, my personal opinion is that this is not the baby of T. T. Hunt, the managing editor. Mr. Hunt is a member of the Sabine Pilots Commission which sets the rates to be charged by the pilots. He knows the picture. I have always thought that he was my personal friend, and I still hold him in the highest personal esteem. I cannot and I do not believe that this stems from him personally. Many people—in Beaumont and in Orange as well as in Port Arthur and Austin—are wondering just what is really behind this attack—certainly not a bill affecting one group of working men. Well, I do not know. I wish I did, so that I would know who to fight. But I personally believe it is bigger than T. And that he cannot control it. With all my heart, I hope that is true.

Just what is this legislation that has brought about the charge of sab-

otage and discrimination? What ugly, perniciously evil bill has Fuller introduced? The Beaumont papers say this bill was sneaked into the hopper. In fact, in one of the so-called news stories that have been used every day to keep this matter alive, absolute lies were printed regarding the origin of the bill. Senator Phillips: Mr. Hartzog, the Beaumont port director, says this measure was interpolated into a Galveston pilots bill. You and all my colleagues can bear me out that that was not true. He further stated that when the Galveston bill was passed without the Fuller interpolation, that Fuller picked up Phillips bill with provisions for Beaumont and Orange written in. This man Hartzog is just full of such erroneous and misleading information. Most of the things he has said are just as true as his statement about the Galveston bill.

What is this legislation? Well, the reason this insidious attack has been so hard to combat is that I cannot scream the true facts at you in headlines and inflammatory words. You must follow my explanation in order to see the background.

I have to take you back to history affecting shipping and pilotage, it has been so far back in our district. Since the 1860s, pilotage in Texas ports has been controlled by State law. Changes have been made, but the Legislature still controls pilotage in my district and in Galveston. All the other ports are now under navigation districts. Since the beginning, the Legislature has set the rate of pilotage over the bar, which, to you land lubbers, means when a ship comes from the open sea into the channel. These bar rates are based on the tonnage of the vessel. The bar rates have only been changed three times—the last two times in 1951 and 1955. When the port of Port Arthur came into being at the turn of the 20th century, an additional 50c was added, in addition to the so-called bar rate, for bringing the ship on into Port Arthur. In 1917, shortly after the ports of Beaumont and Orange were opened up, a request was made by the shipping interests of those areas for the pilots to come up the rivers into those ports for the benefit of the lumber industry. The pilots were not too interested, because the rivers were tortuous and dangerous. In fact, in a brief submitted by Beaumont interests in 1949 to the Federal government, it was brought out, and

I quote: "There is no open river channel in the United States handling commerce of any consequence which is so handicapped as to width as that of the Neches River" and further in such brief: "Navigation on the Neches River has always suffered from tortuous and narrow channels. Despite an almost continuous program of improvement since 1876 the Sabine Neches Waterway has one of the most tortuous alignments of the major channels of the world."

However, the pilots were prevailed upon to bring the ships into those ports, and an additional river rate was agreed upon.

In 1928 the present river rates that are now in effect were set by the Sabine Pilot Commission, and they have never been changed other than to add an additional dollar for what is known as the super tankers. Every time the Legislature has made a change in the bar rates, it has known that river rates were charged in addition to the bar rates.

In 1951 the bar rates were raised from \$4 to \$5. River rates, set by the Sabine Pilot Commission, were in effect at that time. There was no protest made by anyone as to the increase in bar rates, or concerning river rates at that time.

In 1955 the bar rate was again raised, from \$5 to \$6. Before the bill allowing this increase was introduced, the pilots and pilot commissioners determined there was a need for additional charges, and conferences were held with the shippers in our district and no protest was made by any of the tanker companies and the only protest made by the cargo shippers was by Lykes Bros., and it was not a formal protest.

The Sabine Commission is composed of five men—two from Beaumont, one from Orange, and two from Port Arthur. These men are honorable men and outstanding men in our communities. By motion of one Beaumont, A. M. Phelan, seconded by another Beaumont, T. T. Hunt (managing editor of one of the Beaumont papers I have been talking about), the Sabine Commission unanimously passed a resolution approving the proposed increase before the 1955 bill was introduced.

Those of you here—particularly Jimmy Phillips, know that the bill was passed through the Senate on an uncontested local calendar, as the bill

was and should have been, a local bill. You all know that this session when Jimmy came up with the proposed increase for the Galveston pilots, it was passed by us on the local uncontested calendar—as it should have been. That is the business of his district. And I think the rates of the Sabine pilots are the business of my district. However, back in 1955 when this was done, and it passed through the Senate on the local uncontested calendar, an association from Galveston and Houston called the Houston Galveston Maritime Association flooded the House with telegrams opposing the measure. When we saw there was opposition, we had an amendment tacked on it over in the House and it was sent back to a joint conference committee. And at that time, something was done that was highly irregular and had never, so far as I know, been done before—we had an open, free conference committee hearing. In fact, one of the members of the committee even protested that this was irregular and rose to a point of order. However, it was held, and everyone had his say. The Legislature took the stand it was still a local bill, and passed it out without any controversy after that hearing.

At this time, I did not know what this Galveston Houston Association had to do with the whole thing, any way. How would you like it, Bob, and Jimmy—How would you like it Hubert, and you, Bruce, if an association called the Beaumont-Orange-Port Arthur Association tried to tell your district what to do? How would you have liked it, Jimmy, if the people from my district had come up here and contested your Galveston Pilot Bill that was passed this session on the Local Uncontested Calendar?

However, the past few days, I have found that this Houston Galveston Maritime Association apparently runs the dry cargo shipping not only in Jimmy and Bob's district, but in the entire Gulf coast, which, unfortunately, includes my district.

After the bill passed in 1955, some of the shippers, unable to stop the increase in the Legislature, began to search for something else, and as a result, began to question the river rates. Now, please notice this. This is the first time that the river rates had ever been questioned, and they had been in effect, at that time, almost 55 years! Inasmuch as the legality of

such river rates had been questioned, the Sabine Pilot Commission, who do not represent the pilots alone, but also the shippers, and who were trying to do the right thing for everyone concerned, asked the Attorney General of Texas for an opinion. The Attorney General stated that the river rates were legal—that when a ship came into one port that a charge of \$6 per draft foot could be made and when it went into another port another rate, up to the maximum of \$6 could be charged. Having determined that they were justified in setting the river rates—that they were legal, the Sabine Pilot Commission continued to set the river rates. Now, also, please note this: They continued to set them at the same rate they had been all these years. Under the Attorney General's opinion, they could have been set up to \$6.00, but this was not done. The pilots did not ask that this be done. So the river rates were set exactly the same rates as all the years since 1928.

Not content with this development, two of the shipping companies, which I now learn are apparently controlled by the Galveston Houston Maritime Commission, filed a law suit in the Federal court at Beaumont, attacking the interpretation of the law. The Court held that the rates were legal, stating the words "any port" in the law meant just that. This decision was appealed and the Circuit Court of Appeals in New Orleans reversed this decision, stating in its opinion the word port meant any "port of entry." The case is still in the process of being appealed, in that a writ of certiorari has been requested to the U. S. Supreme Court. Now, under this new decision, if it is left standing, there can be no more charged by a Sabine pilot than this one pilotage rate. What does this mean? It means if a Sabine pilot boards the ship at Sabine Bar and brings it into Sabine Pass and gets off there, he can make just as much—charge the same rate, as he can if he brings it up the dangerous channel, through a narrow bridge, through the channel that has been called the "most tortuous channel in the United States, 49 miles, to Beaumont.

Gentlemen, under this present opinion, if the Trinity River was dredged to Dallas, as has been seriously suggested many times, the Sabine pilots could charge only \$6.00 for piloting

the ship 287 miles or so to Dallas, not one cent more than bringing the ship over the bar. Ridiculous? Of course, but why more ridiculous than to expect the pilots to pilot the ship 49 additional miles for the same amount of money?

I want to ask the port of Beaumont and the Beaumont Chamber of Commerce something. Suppose the matter were reversed. Suppose the Bar was on the other side of Beaumont, and the ship crossed the bar just on the other side of Beaumont. Would they think the pilot ought to charge just as much to bring the ship into Beaumont as he would get to take it on to Sabine Pass, 49 miles further? Would you think Fuller would be sabotaging the Port of Port Arthur if the pilot got more to take that ship on to Port Arthur?

The opinion of the Circuit Court of Appeals stated that if it was mistaken as to the intent of the Legislature, that the matter could be cured by passing legislation that would clarify the intent of the Legislature. That, gentlemen, is the purpose of Senate Bill 350—this perniciously evil bill. It would do exactly what everyone concerned at the time thought would be done by the bill passed in 1955—that is, it would allow a \$6.00 rate over the bar, and a maximum of \$6.00 river rate. It was not the intention of the Sabine pilots, the Sabine Pilot Commission, this Senator, or anyone else to raise the pilot rates. We were attempting to carry out the suggestion of the Circuit Court of Appeals and clarify this law.

All along, the Sabine pilot commissioners could have raised the river rates to the same amount as the bar rate. They have never done so. They have not raised the rate since 1928. Why does Beaumont think that "a loaded gun would be held at their heads." Do they think Mickey Phelan and T. T. Hunt would "sabotage" the Beaumont port? Do they think Howard Peterson, of Orange, would sabotage his port? Gentlemen, these three gentlemen are a majority of the commission.

Furthermore, prior even to introducing this bill, the same procedure was followed as in 1955. The commission chairman conferred with the pilots and stated the law should be clarified and a meeting was again called between the chairman of the commission, the pilots, and the ship-

pers, explaining the need for this bill. Representatives of the pilots, at the suggestion of some of the dry cargo shippers, even went over to Houston to see the Houston Galveston dictators because of the trouble they had caused in 1955. All of this was done before the bill was dropped into the hopper. However, in spite of this, the Beaumont port interests from the word go insist and scream that no one had any notice of this bill, and that Fuller was trying to double the rates of the pilots. They know that this bill would not raise the pilots one crying dime above what they have been charging.

I would like to call your attention specifically to the fact that there is no maximum rate set for pilots of the ports under navigation districts—including Houston, Corpus Christi and Brownsville, Article 8255, Pilotage Charges for Navigation Districts, reads as follows: "The rates of pilotage charged by the pilots operating under this law shall at all times be fair and just." No maximum. The commissioners fixing the rates can change them any time they please without coming to the legislature. Does the Port of Houston feel the commissioners hold a loaded gun at their head—does the Houston Chamber of Commerce? The citizens of Houston?

But these Beaumont people have screamed this bill would place a loaded gun at their head. They scream about permissive legislation. What about the wording of the law I just read? How permissive can you get? This Houston-Galveston association that is trying to tell my district what to do—is it to allow Houston commissioners to have the right to set the rates at any rate they so desire, but dictate to the Sabine Pilot Commissioners the maximum that can be allowed the Sabine pilots?

Gentlemen, this thing smells. Mr. Hartzog and Mr. Coale have asked where Fuller's loyalties are. I'll tell you where they are, gentlemen. They are with the people of his district, not with any Houston-Galveston people telling us what to do. Where are Mr. Coale's and Mr. Hartzog's loyalties?

The Beaumont papers ask in their editorials why Fuller did not make discriminatory restrictions on trucks, trains and planes entering and leaving Beaumont and Orange. Well, I want to tell you something, any time a court

opinion makes it illegal to charge one dime more for carrying freight or passengers from Sabine Pass to Beaumont or Orange than it does to enter Jefferson County, let the transportation people come to Fuller and he will be happy to introduce a bill to clarify the law so they can charge the same differential they have been charging for fifty years. Because, if I had never heard of the Sabine pilots in my life, and they came to me and said, "Senator, this opinion knocks us back to what we were charging in 1928 and nothing can be done about it but legislation to clarify the law," I would have done everything in my power to help them. For justice is justice and fair is fair.

The first news story calling this bill sabotage, was a result of a meeting called over a week after the bill had been dropped in the hopper. It was called without ANYONE showing me the courtesy to invite me to explain the bill or the reason for the bill. According to the news stories, IT WAS CALLED WITHOUT EVEN A COPY OF THE BILL IN ITS ENTIRETY BEFORE THEM. I do not know if the Galveston-Houston people were present at that meeting or not. I do know they were at other meetings—meetings to which the author of the bill was never invited.

Ever since this first news story hit the papers, the pilots, the pilot commissioners, and I have done everything in our power to bring about a meeting of the minds on this matter. Three amendments have even been offered in place of the present bill: (1) To leave the bar rate at \$6 as it is and leave the river rates up to the commissioners; (2) to leave the bar rate at \$6.00 as it is and write in the river rates presently being charged—a maximum of \$3.50, and they have even offered (3) to allow the law to be written as it is for the Houston and Brownsville and Corpus Christi pilots—to allow the commissioners to set the entire rate, with only provision being that the rates be fair and just, as is set out in the other law. But, as the papers said: "They stand pat." They said they would dictate the terms—a maximum of \$6 to anywhere you name—no compromise.

Then on Thursday night of last week, a meeting was again called by the pilots—a meeting of the pilots, commissioners, and local shippers. I thought that these local people could

sit down around a conference table and try to work out their differences. But at this meeting, I learned for the first time that apparently all the shipping industry in our area, except the tankers, is completely controlled in the Port Arthur, Beaumont, Orange area by the Houston-Galveston Maritime Association. This was, to put it mildly, a very surprising development. We were told by local representatives of the shipping companies in question that they had no authority and could make no commitments. When we heard this shocking statement, at my insistence, the pilots even agreed to meet with the big boys out of my district, and sent a telegram offering to meet with them in Port Arthur. The telegram in reply set out the most amazing conditions I have ever heard. It stated, in substance, the following: The pilots, who all live in Port Arthur, Beaumont, or Orange, were to submit complete figures as to gross income and expenses, including coastwide rates which do not affect them at all, only affecting the tanker people and the pilots; second, that the Houston-Galveston people were to be privileged to invite whomever they chose and the wherever they chose for the meeting place. Have you ever heard of a more dictatorial demand in your life? I wonder if the Houston-Galveston Maritime Association would care to have their books examined by the pilots? Remember, the law says the Sabine Pilot Commissioners are to set the rates, no one else. As you can guess, this meeting was not held.

I do not know why there has been this deadlock, and this thing is truly what the Port Arthur News called a "tempest in a galley teapot," but it has developed. You know, gentlemen of the Senate, you have many of you told me—and yes, many of you members of the press have stated—that I represent the hardest district in the entire state because I have more than one large city in my district. Well, every time there is any controversy between these two towns, it makes conditions down there that much worse, as far as getting anything concrete done for the district as a whole. This controversy has done more harm in this regard than anything that has happened in many, many years. Poor old Port Arthur has even been dragged into the controversy, because this senator lives there, I guess. I can tell the Beau-

mont citizens one thing—the average person on the street probably just "knows what they read in the papers," but this hue and cry has caused so much damage that anything the district wants as a whole that would be good for the entire district, is going to be hurt because the people in the rest of the district have been so alienated. Even Orange has begun to ask: Is Orange being used by Beaumont? And that is bad.

And I want the people of Beaumont and the rest of my district to know something else. Mr. Hartzog says if this bill is passed, that he will recommend no more money be spent on the port because it will be eliminated from competition with other ports. Listen to this: Back in 1951, a survey made by federal engineers showed that 54 million tons of commerce were transported over these waterways and that approximately 80% of that volume was petroleum and petroleum products. I have been told that now that percentage is approximately 95%. At the meeting with the shippers I told you about before that was called by the pilots the other night, representatives from Beaumont's Magnolia Refinery, the Sun Oil Company, the Atlantic Refining Company, the Gulf Oil, and Texaco, were all present. What did they say about the proposed bill? That they had no protest to make. That the services from the pilots was excellent; that their rates were fair, and that they did not think the pilots should be cut.

The two words that have cropped up with monotonous regularity in the Beaumont papers' editorials and news stories have been "discrimination" and "competitive position." There has been no increase in the so-called river rates since 1928. Was that discrimination? If so, those rates were set by the commission, three of the five members being from Beaumont and Orange—five men appointed by the governor and approved by this Senate. The law set out the commission shall be so composed; if these men do not continue as commissioners, there will always be the same ratio: two from Beaumont, one from Orange, and two from Port Arthur. Is this discrimination?

The suit filed by the shippers as set out above, was heard before the late Lamar Cecil, a man esteemed and respected by every citizen of our area and honored above that which most citizens have ever been. He ruled for

the pilots, stating the river rates were legal. Was that discrimination? Will the Chamber of Commerce and the Beaumont papers say that the late beloved Judge Lamar Cecil wanted to "sabotage the Beaumont ports?" The pilots seek only to regain the right to charge those river rates which the late Judge Cecil ruled they were entitled to receive.

How about the matter of competition and competitive position? The shippers have been paying these same river rates since before 1928. Have the ports of Beaumont and Orange competed? Will Mr. Hartzog or Mr. Coale—will the Chambers of Commerce or the papers say that their ports have not grown? Will they say they have not been able to compete with other ports?

In 1954 the Chambers of Commerce of Beaumont, Orange and Port Arthur asked Jep Fuller to go with them to Washington to try to get something done about the conditions of the ship channel. At that time, Fuller had not been branded as a saboteur and the Chambers of Commerce thought he was a pretty good fellow to have on their side. At a hearing of the subcommittee on Rivers and Harbors of the House of Representatives, a copy of which I hold in my hand, Mr. Howard Hicks, then as now vice president of the Chamber of Commerce of Beaumont, made this statement: "The Beaumont channel is almost as busy day and night as Pennsylvania Avenue in this city." Mr. Hicks, were you in a competitive position in 1954 when you made those remarks? The pilots were charging the same river rates they ask to retain.

In the same Sunday paper, April 5, 1959, which said if Fuller's bill passed the ports would be eliminated from competition with other ports, some one slipped up, because on the front page of that paper, headlines shouted: "Cotton Shipment Through Beaumont Port Reaches 100,000 Bales in 8 Months." There was quite a ceremony as the 100,000th bale was loaded. Mr. C. H. Le Blanc, vice chairman of the port of Beaumont was quoted as having a great deal to say about how shipping had grown. Mr. Le Blanc, has the port of Beaumont competed with other ports? Well, Mr. Le Blanc, remember that the pilots have been charging the same rates since 1928 that they want to retain the right to charge. Will that destroy your port? In the same article, some

figures were quoted, showing the money coming into Beaumont from such companies. Based on the 8 months, a year's forecast was given: in round figures, total payroll, \$214,000.00. Port fees, including rent to port, wharfage and dockage, approximately \$50,000.00. Longshoremen's fees, approximately \$75,000.00. Pilotage cost per year, \$40,000.00. Now if this bill passes, pilotage rates will be exactly the same as the past three years—not raised one bit. It would be less than port fees and less than longshoremen's cost. Mr. Hartzog, shall we ask the port of Beaumont and the longshoremen to cut back their rates to 1928 because the ports cannot compete? Why single out the pilots, Mr. Hartzog?

When I read the venomous Beaumont papers editorials, I thought—how fickle they are. I went back to my scrapbooks, and found an editorial from the Beaumont Enterprise dated 1954, right before an election. It states among other flattering remarks that Fuller performed his legislative duties with honesty, ability and a sincere desire to serve all the people of his district and of the State of Texas. It named among his achievements: Making Lamar a State Technological College; creation of Beaumont Navigation District; creation of Orange County Navigation, Conservation and Port District. It further stated that Mr. Fuller has political enemies who would like to see him defeated because he refuses to take orders from them, but even they cannot say truthfully he is lacking in the principles of personal integrity and sincerity. It further states that Fuller is not under the control of any clique or faction.

I have been warned that if I make this personal privilege speech concerning one of the leading newspapers in my district, that my political career is at an end. That seems to be a pretty broad statement to say about a newspaper. If it is true, I am sorry, but if I allow the Beaumont newspapers to control my thoughts and actions, and yes, my legislation, could I ever again merit the words said about Jep Fuller by this very newspaper regarding my sincerity and personal integrity? This editorial pointed out my only platform had been to represent all the people. Could I ever again run on such a platform if I sacrificed something I thought was right?

If I allow myself to be dictated to by the port of Beaumont and even the Beaumont Chamber of Commerce, could I merit the words: "Not under the control of any clique or faction"?

When Jep Fuller pushes legislation approved by Beaumont Enterprise, is he to be lauded as being a competent state Senator and a public-spirited member of the Legislature, but if the Beaumont papers disagree with something Jep Fuller does, is he to have four editorials in seven days attacking that same sincerity and personal integrity and accusing me of sabotage and other vile names, and of wondering if Senator Fuller is representing the public interest which sent him to Austin?"

If Jep Fuller has to be, and I quote the editorial again: "Under the control of any clique or faction" to remain in Austin, then I think it is time for the people of my district to know it.

My district does things in a big way. You have been flooded with telegrams and letters. The committee hearing on this bill is this afternoon, and you have read that bus loads of Beaumonters will be here for the hearing. We believe in delegations. Just last year, this month, in this city, I was privileged to serve as Governor for a day. My people in the district put on a wonderful celebration honoring this Senator at that time. Many of the people were the same ones that will be here today. There was a delegation at that time, too: over 600 people from my district, to pay honor to Fuller for what they then called his sincerity and integrity, which many of the same people are today attacking. I have tape recordings of the speeches made that night, because I was so proud of them. Well, tonight, after the hearing, I guess I can go home and read my press clippings and listen to that tape recording. I can console myself that at that time the Beaumont Enterprise thought—or I thought that they thought, that I was a pretty good fellow. One of the speeches made at that time was by the managing editor of the Beaumont Enterprise, the man who is one of the Sabine Pilot Commissioners: T. T. Hunt: He stated that the reason it was easy for the press to get things right about Fuller was that they never had to second guess him. He stated that he had known Fuller in many capacities and

that one of the best things he could say about Fuller was that he lays it on the line and that with Fuller "we know where we stand."

Well, T., you and the Beaumont papers and everyone else involved know just where Fuller stands in this matter. After the meeting the other night, the area papers said: Fuller fights back. That is right. I am fighting back—fighting back to clear my name of the undeserved names I have been called. Fighting back to right what I think is a grave injustice to people from my district. Yes, Fuller fights back. You have a late picture of me and you know how to spell my name. You may quote me as saying: "I have just begun to fight."

Senate Resolution 304

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Government Class of Alamo Heights High School of San Antonio, Bexar County, accompanied by their teacher, Miss Johnnie McCaughan, and Mrs. Stout, a parent; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of the State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students, teacher and sponsor to the Members of the Senate.

Senate Bill 22 with House Amendments

Senator Roberts called S. B. No. 22 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and

House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 305

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Mrs. Douglas Nichols, Mrs. Wayland C. Rivers, Jr., Mrs. Janet Sadler Bauchman, Mrs. Judge D. Finley, Mrs. Thomas Gibbs Gee, Mrs. Willard Y. Ferrick, Mrs. R. G. Umstattd, Mrs. Gil Kuykendall, Mrs. David M. McCullough, Mrs. William C. Milstead, Mrs. Conrad Werkenthin, Miss Martha McKay, and Mrs. Paul Heiligenenthal, who compose the Provisional Class of the Junior League of Austin; and

Whereas, These young women are on an educational tour of the Capitol Building as a part of their year's training course before becoming members of the Junior League; and

Whereas, It is the goal of the Junior League to foster the interest of its members in the cultural and civic conditions of the community and to make their extensive volunteer service more efficient; now, therefore, be it

Resolved, That we officially recognize and welcome this fine group of young women and commend them for their conscientious interest in their government and community welfare; and that a copy of this resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Special Notice Given

Senator Kazen gave special notice that he would on tomorrow move to suspend the necessary rules to consider H. J. R. No. 6.

Senate Bill 381 Ordered Not Printed

On motion of Senator Hudson and by unanimous consent S. B. No. 381 was ordered not printed.

Senate Bill 233 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 233, A bill to be entitled "An Act relating to the use, display, posting, maintenance, size, number, placement, contents, limitation and regulation of signs of the price of motor fuel posted, displayed or used on or about any premises or locations where motor fuel is sold at retail; requiring that the price shown on such signs include certain statements or information concerning the taxes included in the price; prohibiting price signs of motor fuel except as provided for in this Act and limiting the display of such signs to pumps and other dispensing devices; amending Title 14, Chapter 11, Penal Code of Texas, as amended, by adding thereto a new Article to be numbered Article 1108.1; containing a saving clause; repealing conflicting laws; and declaring an emergency."

The bill was read second time.

Senator Kazen offered the following amendment to the bill:

Amend S. B. No. 233 by striking out the last sentence in Section 1 and substituting in lieu thereof the following:

"Notwithstanding any other provision of this bill, it shall be lawful for any retail dealer in motor fuel in this State to post or display on or about the premises where motor fuel is sold at retail one sign which may be in view of any public sidewalk, street, road or highway, showing the price of motor fuel including all taxes imposed with respect to the manufacture or sale of the motor fuel sold at said establishment. All figures including decimal and numerical fractions upon said sign shall be of the same size, legibility, illumination, color, construction and state of repair."

The amendment was adopted.

(Senator Martin in the Chair.)

On motion of Senator Krueger and by unanimous consent the caption was amended to conform to the body of the bill as amended.

(President in Chair.)

Question—Shall S. B. No. 233 be passed to engrossment?

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Senator Owen moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Senator Willis moved that the Senate stand recessed until 2:00 o'clock p.m. today.

Question first on the motion by Senator Hardeman to adjourn until 10:30 o'clock a.m. tomorrow, the motion prevailed by the following vote:

Yeas—19

Baker	Lane
Bradshaw	Moore
Crump	Phillips
Fly	Reagan
Fuller	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Wood
Kazen	

Nays—12

Aikin	Moffett
Colson	Owen
Dies	Parkhouse
Gonzalez	Ratliff
Krueger	Roberts
Martin	Willis

Accordingly the Senate at 12:10 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Joseph Weldon Wheeler

Senator Herring offered the following resolution:

(Senate Resolution 296)

Whereas, In the untimely passing of Joseph Weldon Wheeler on the nineteenth day of February, 1959, the people of Travis County lost an outstanding citizen and distinguished member of the legal profession; and

Whereas, Joseph Weldon Wheeler was a native Texan, having been born in New Boston, Texas, on July 20, 1906, and was a graduate of the University of Texas School of Law; and

Whereas, He had been a resident of the City of Austin for many years, with the exception of the time he spent in the service of his country as an officer in the United States Navy during World War II; and

Whereas, He was widely recognized for his keen understanding of the law, particularly in the field of oil, gas and transportation, and was admitted to practice before the Supreme Court of the United States; and

Whereas, For the past two years, Joseph Weldon Wheeler was a member of the Attorney General's anti-trust division; and

Whereas, He was an active member of the Travis County Bar Association, the Texas Bar Association, and the American Bar Association; and

Whereas, He gave generously of his time in service to his community and in the promotion of its civic well-being; and

Whereas, Joseph Weldon Wheeler is survived by his widow, the former Frankie Gist; one daughter, Dennis Ann Wheeler; one son, Joe Gist Wheeler; his father, Judge C. A. Wheeler of Austin; and two brothers, Charles A. Wheeler of Temple and J. P. Wheeler of California; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to pay tribute to the memory of this distinguished citizen; now, therefore, be it

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Journal of the Senate be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to the members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.